

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 741, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 197, not voting 10, as follows:

[Roll No. 371]

YEAS—226

Aderholt	Fossella	Miller, Gary
Akin	Fox	Moran (KS)
Alexander	Franks (AZ)	Murphy
Bachus	Frelinghuysen	Musgrave
Baker	Gallely	Neugebauer
Barrett (SC)	Garrett (NJ)	Ney
Bartlett (MD)	Gerlach	Northup
Barton (TX)	Gibbons	Norwood
Bass	Gilchrest	Nunes
Beauprez	Gillmor	Nussle
Biggert	Gingrey	Osborne
Bilirakis	Gohmert	Otter
Bishop (UT)	Goode	Oxley
Blackburn	Goodlatte	Pearce
Blunt	Granger	Pence
Boehlert	Graves	Peterson (PA)
Boehner	Green (WI)	Petri
Bonilla	Gutknecht	Pickering
Bonner	Hall	Pitts
Bono	Harris	Platts
Boozman	Hart	Poe
Boren	Hastings (WA)	Porter
Boustany	Hayes	Price (GA)
Boyd	Hayworth	Pryce (OH)
Bradley (NH)	Hefley	Putnam
Brady (TX)	Hensarling	Radanovich
Brown (SC)	Herger	Ramstad
Brown-Waite,	Hobson	Regula
Ginny	Hoekstra	Rehberg
Burgess	Hostettler	Reichert
Burton (IN)	Hulshof	Renzi
Buyer	Hunter	Reynolds
Calvert	Hyde	Rogers (AL)
Camp	Inglis (SC)	Rogers (MI)
Cannon	Issa	Rohrabacher
Cantor	Istook	Ros-Lehtinen
Capito	Jenkins	Royce </td
Carter	Jindal	Ryan (WI)
Case	Johnson (CT)	Ryan (KS)
Castle	Johnson (IL)	Schwarz (MI)
Chabot	Johnson, Sam	Sensenbrenner
Chocola	Jones (NC)	Sessions
Coble	Keller	Shaw
Cole (OK)	Kelly	Shays
Conaway	Kennedy (MN)	Sherwood
Cox	King (IA)	Shimkus
Cramer	Kingston	Shuster
Crenshaw	Kirk	Simpson
Cubin	Kline	Smith (TX)
Cuellar	Knollenberg	Soder
Culberson	Kolbe	Souder
Cunningham	Kuhl (NY)	Stearns
Davis (KY)	LaHood	Sullivan
Davis (TN)	Latham	Tancredo
Davis, Jo Ann	LaTourette	Taylor (MS)
Davis, Tom	Leach	Taylor (NC)
Deal (GA)	Lewis (CA)	Terry
DeLay	Lewis (KY)	Thomas
Dent	Linder	Thornberry
Diaz-Balart, L.	Lucas	Tiahrt
Diaz-Balart, M.	Lungren, Daniel	Tiberi
Doolittle	E.	Turner
Drake	Mack	Upton
Dreier	Manzullo	Walsh
Duncan	Marchant	Wamp
Ehlers	Marshall	Weldon (FL)
Emerson	Matheson	Weldon (PA)
English (PA)	McCaul (TX)	Weller
Everett	McCotter	Westmoreland
Feeney	McCrery	Whitfield
Ferguson	McHenry	
Flake	McKeon	
Foley	McMorris	
Forbes	Mica	
Fortenberry	Miller (MI)	

Wicker
Wilson (NM)

Wilson (SC)
Wolf

Young (AK)
Young (FL)

NAYS—197

Ackerman	Higgins	Owens
Allen	Hinche	Pallone
Andrews	Hinojosa	Pascrell
Baca	Holden	Pastor
Baird	Holt	Paul
Baldwin	Honda	Payne
Barrow	Hooley	Pelosi
Bean	Hoyer	Peterson (MN)
Becerra	Inslee	Pomeroy
Berkley	Israel	Price (NC)
Berman	Jackson (IL)	Rahall
Berry	Jackson-Lee	Rangel
Bishop (GA)	(TX)	Reyes
Bishop (NY)	Jefferson	Ross
Blumenauer	Johnson, E. B.	Rothman
Boswell	Kanjorski	Roybal-Allard
Boucher	Kaptur	Ruppersberger
Brady (PA)	Kennedy (RI)	Rush
Brown (OH)	Kildee	Ryan (OH)
Butterfield	Kilpatrick (MI)	Sabo
Capps	Kind	Salazar
Capuano	King (NY)	Sánchez, Linda
Cardoza	Kucinich	T.
Carnahan	Langevin	Sanchez, Loretta
Carson	Lantos	Sanders
Chandler	Larsen (WA)	Saxton
Clay	Larson (CT)	Schakowsky
Cleaver	Lee	Schiff
Clyburn	Levin	Schwartz (PA)
Cooper	Lewis (GA)	Scott (GA)
Costa	Lipinski	Scott (VA)
Costello	LoBiondo	Serrano
Crowley	Lofgren, Zoe	Sherman
Cummings	Lowe	Simmons
Davis (AL)	Lynch	Skelton
Davis (CA)	Maloney	Slaughter
Davis (FL)	Markley	Smith (NJ)
Davis (IL)	Matsui	Smith (WA)
DeFazio	McCarthy	Snyder
DeGette	McCollum (MN)	Solis
Delahunt	McDermott	Spratt
DeLauro	McGovern	Stark
Dicks	McHugh	Strickland
Dingell	McIntyre	Stupak
Doggett	McKinney	Sweeney
Doyle	McNulty	Tanner
Edwards	Meehan	Tauscher
Emanuel	Meek (FL)	Thompson (CA)
Engel	Meeks (NY)	Thompson (MS)
Eshoo	Melancon	Tierney
Etheridge	Menendez	Towns
Evans	Michaud	Udall (CO)
Farr	Millender	Udall (NM)
Fattah	McDonald	Van Hollen
Filner	Miller (NC)	Velázquez
Fitzpatrick (PA)	Miller, George	Visclosky
Ford	Mollohan	Wasserman
Frank (MA)	Moore (KS)	Schultz
Gonzalez	Moore (WI)	Waters
Gordon	Moran (VA)	Watson
Green, Al	Murtha	Watt
Green, Gene	Nader	Waxman
Grijalva	Napolitano	Weiner
Gutierrez	Neal (MA)	Wexler
Harman	Oberstar	Woolsey
Hastings (FL)	Olver	Wu
Herseth	Ortiz	Wynn

NOT VOTING—10

Abercrombie	Jones (OH)	Pombo
Brown, Corrine	Miller (FL)	Shadegg
Cardin	Myrick	
Conyers	Obey	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1835

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 742, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 11, as follows:

[Roll No. 372]

YEAS—235

Aderholt	Foley	McHugh
Akin	Forbes	McKeon
Alexander	Ford	McMorris
Bachus	Fortenberry	Mica
Baker	Fossella	Miller (MI)
Barrett (SC)	Fox	Miller, Gary
Bartlett (MD)	Franks (AZ)	Moran (KS)
Barton (TX)	Frelinghuysen	Murphy
Bass	Gallely	Musgrave
Beauprez	Garrett (NJ)	Neugebauer
Biggert	Gerlach	Ney
Bilirakis	Gibbons	Northup
Bishop (GA)	Gilchrest	Norwood
Bishop (UT)	Gillmor	Nunes
Blackburn	Gingrey	Nussle
Blunt	Gohmert	Osborne
Boehner	Gonzalez	Otter
Bonilla	Goode	Oxley
Bonner	Goodlatte	Paul
Bono	Granger	Pearce
Boozman	Graves	Pence
Boren	Green (WI)	Peterson (PA)
Boustany	Gutknecht	Petri
Boyd	Hall	Pickering
Bradley (NH)	Harris	Pitts
Brady (TX)	Hart	Platts
Brown (SC)	Hastings (WA)	Poe
Brown-Waite,	Hayes	Porter
Ginny	Hayworth	Price (GA)
Burgess	Hefley	Pryce (OH)
Burton (IN)	Hensarling	Putnam
Buyer	Herger	Radanovich
Calvert	Hobson	Ramstad
Camp	Hoekstra	Regula
Cannon	Hostettler	Rehberg
Cantor	Hulshof	Reichert
Capito	Hunter	Renzi
Carter	Hyde	Reynolds
Case	Inglis (SC)	Rogers (AL)
Castle	Issa	Rogers (KY)
Chabot	Istook	Rogers (MI)
Chocola	Jenkins	Rohrabacher
Coble	Jindal	Ros-Lehtinen
Cole (OK)	Johnson (CT)	Royce
Conaway	Johnson (IL)	Ryan (WI)
Cooper	Johnson, Sam	Ryan (KS)
Costa	Jones (NC)	Schwarz (MI)
Cox	Keller	Sensenbrenner
Cramer	Kelly	Sessions
Crenshaw	Kennedy (MN)	Shaw
Cubin	King (IA)	Sherwood
Cuellar	King (NY)	Shimkus
Culberson	Kingston	Shuster
Cunningham	Kirk	Simmons
Davis (KY)	Kline	Simpson
Davis (TN)	Knollenberg	Smith (TX)
Davis, Jo Ann	Kolbe	Soder
Davis, Tom	Kuhl (NY)	Souder
Deal (GA)	LaHood	Stearns
DeLay	Latham	Sullivan
Dent	Leach	Sweeney
Diaz-Balart, L.	Lewis (CA)	Tancredo
Diaz-Balart, M.	Lewis (KY)	Tanner
Doolittle	Linder	Taylor (MS)
Drake	Lucas	Taylor (NC)
Dreier	Lungren, Daniel	Terry
Duncan	E.	Thomas
Edwards	Mack	Thornberry
Ehlers	Manzullo	Tiahrt
Emerson	Marchant	Tiberi
English (PA)	Matheson	Turner
Everett	McCaul (TX)	Upton
Feeney	McCotter	Velázquez
Ferguson	McCrery	Walden (OR)
Flake	McHenry	Walsh

Wamp
Weldon (FL)
Weller
Westmoreland

Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Wynn
Young (AK)
Young (FL)

NAYS—187

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehrlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey

Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz

NOT VOTING—11

Abercrombie
Brown, Corrine
Cardin
Conyers

Jones (OH)
Menendez
Miller (FL)
Myrick

Obey
Pombo
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1843

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MENENDEZ. Mr. Speaker, I was unavoidably detained on this last roll call vote. Had I been here to vote, I would have voted "no."

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution

351, the text of H.R. 740, H.R. 741, and H.R. 742 as passed by the House, will be appended to the engrossment of H.R. 739 and H.R. 740, H.R. 741 and H.R. 742 shall be laid on the table.

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, on July 12, 2005, I missed four recorded votes. Had I been present, I would have voted "yea" on H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005 (rollcall No. 369); "yea" on H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005 (rollcall No. 370); "yea" on H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005 (rollcall No. 371); and "yea" on H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act of 2005 (rollcall No. 372).

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I rise today to enter into the RECORD that on July 12 of this year, due to unavoidable circumstances, I was unable to be present. If I had not been detained today, July 12, 2005, I would have voted as follows:

On Previous Question on OSHA rollbacks, I would have voted "nay" to defeat the previous question on the Rule. If defeated we would have allowed the House to consider the Miller-Owens bill to raise the minimum wage. The minimum wage would be raised to \$7.25 an hour from \$5.15 an hour. The minimum wage has been frozen since 1997.

On H. Res. 351—rule providing consideration for 4 OSHA rollback bills—I would have voted "nay."

On H. Res. 352—providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy—I would have voted "nay." I would not have supported the legislation because it would not improve U.S. competitiveness. Instead this resolution attempts to blame trial lawyers and "regulation" for the challenges facing the U.S. economy.

On H. Res. 343—commending the State of Kuwait for granting women certain important political rights—I would have voted "yea."

On H.R. 804—to exclude from consideration as income certain payments under the national flood insurance program—I would have voted "yea."

On H.R. 68—NASA and JPL 50th Anniversary Commemorative Coin Act—I would have voted "yea."

On H.R. 739—OSHA rollback on employer citations—I would have voted "nay." I would not have supported the legislation because it undermines the timely abatement of unsafe working conditions, encouraging employers to challenge OSHA citations. One of the principal purposes of the Occupational Safety and Health Act is "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." However, this bill effectively delays the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correcting health and safety hazards.

On H.R. 740—OSHA rollback to stack the Occupational Safety and Health Review Com-

mission—I would have voted "nay." I would not have supported the legislation because it unjustifiably ensures that only lawyers are appointed to the Commission.

On H.R. 741—OSHA rollback of the Secretary of Labor's authority to issue citations—I would have voted "nay." I would not have supported the legislation because it provides that the OSHA Review Commission shall have deference to override the Secretary of Labor's reasonable interpretations of the Secretary's own workplace safety standards—thereby increasing the incentives for challenges to Labor Department's rules and regulations.

On H.R. 742—OSHA rollback to require OSHA to pay attorneys' fees—I would have voted "nay." I would not have supported the legislation because it requires OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of \$7 million or less in an administrative or judicial proceeding in which OSHA does not prevail. It is a blatant attempt to chill OSHA's exercise of statutory responsibility to enforce the Occupational Safety and Health (OCS) Act, by penalizing the agency for every instance in which it attempts to do so unsuccessfully, and therefore, undermined the enforcement of workplace health and safety laws.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, I was testifying before the BRAC Commission on June 27 for the purpose of protecting 1,075 jobs in Cleveland, Ohio, from removal by the BRAC process. Had I been here, I would have cast the following votes: roll call 322, aye; roll call 323, aye.

□ 1845

ECONOMIC AND JOB GROWTH

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, you know last night I came down and had a little bit to say about the jobs, 146,000 new jobs that this economy, this private sector has grown in June, and near historic lows in unemployment at 5 percent.

And with the economic growth, the tax reductions, our deficit will be \$100 billion lower than original projections. And we are going to continue to build on all of this.

Today, Mr. Speaker, I want to call attention to another article, this one on spending regulation keeps growing. And I think that is one of the things that we continue to look at and one of the reasons that we are addressing some of the bills and legislation that we are this week.

It is also the reason that we continue to address waste, fraud and abuse in this Congress, finding ways to reduce the cost of government so that this economy will continue to move forward and continue to grow.